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Attorney for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

William J. Litzendorf,

Plaintiff,

vs.

Property Maintenance Solutions, LLC, et
al.,

Defendants.

No. 2:16-cv-00271-GMS

**STIPULATED MOTION TO FILE
MOTION FOR APPROVAL OF
SETTLEMENT UNDER SEAL OR
FOR *IN CAMERA* REVIEW**

Pursuant to LRCiv 5.6, the parties jointly move for an order authorizing Plaintiff to file under seal or for *in camera* review his Motion for Approval of Settlement (including the confidential settlement agreement attached thereto).

A party seeking to seal documents must show that “‘compelling reasons supported by specific factual findings . . . outweigh the general history of access and the public policies favoring disclosure.’” *Pintos v. Pac. Creditors Ass’n*, 605 F.3d 665, 677-78 (9th Cir. 2009) (quoting *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (internal quotation marks and citations omitted). “Under the ‘compelling reasons’ standard, a district court must weigh ‘relevant

1 factors,’ base its decision ‘on a compelling reason,’ and ‘articulate the factual basis
2 for its ruling, without relying on hypothesis or conjecture.’” *Id.* at 679 (quoting
3 *Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995).

4 Plaintiff’s Motion for Approval of Settlement meets the standard set forth in
5 *Pintos* and LRCiv 5.6. This Court has denied summary judgment to both parties.
6 The parties recognize that they face risks in moving forward with this litigation to
7 trial. In light of these potential risks, combined with the expense of litigating the
8 case through trial, the parties believe that the benefit of settlement outweigh the risks
9 of continuing to litigate. Under the circumstances of this case, however, Defendants
10 were willing to settle Plaintiff’s claims against them only on condition of
11 confidentiality because Defendants believe that Plaintiff’s claims do not have
12 substantive merit. However, to the extent the parties’ settlement agreement or its
13 terms are not preserved as confidential, the risk of other employees or former
14 employees asserting similar claims against Defendants will destroy the value of this
15 settlement for Defendants. Thus, Defendants willingness to settle this case is
16 contingent on confidentiality being preserved.

17 The strong public policy in favor of settling disputes is a compelling reason to
18 grant this joint motion. Accordingly, the parties respectfully request that the Court
19 enter an order authorizing Plaintiff to file a Motion for Approval of Settlement
20 (including the confidential settlement agreement attached thereto) under seal or
21 alternatively to submit the Motion and agreement for *in camera* review. *See Trinh v.*
22 *JP Morgan Chase & Co.*, 2009 WL 532556 (S.D. Cal. 3/3/09) (reviewing FLSA
23 confidential settlement agreement *in camera*); *Goudie v. Cable Communications,*
24 *Inc.*, 2009 WL 88336 (D. Or. 1/12/09) (same).

25 A proposed form of order is lodged contemporaneously with the Court.
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1 RESPECTFULLY SUBMITTED this 21st day of February, 2018.

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3 THE BENDAU LAW FIRM PLLC

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5 By /s/ Christopher J. Bendau
6 Christopher J. Bendau, Esq.
7 *Attorney for Plaintiff*

8 ANDERSON BANTA CLARKSON PLLC

9 /s/ Adam C. Anderson (with permission)
10 Adam C. Anderson
11 Attorney for Defendants
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16 **CERTIFICATE OF SERVICE**

17 I hereby certify that on the 21st Day of February, 2018, a copy of the foregoing
18 was transmitted electronically to the CM/ECF filing system for filing and transmittal
19 along with copies transmitted to all counsel of record via the CM/ECF system.
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21 /s/ Christopher J. Bendau
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